ORDINANCE NO. 89-14

AN ORDINANCE AMENDING ORDINANCE NO. 78-5 ENTITLED THE ENVIRONMENTAL CONTROL ORDINANCE, AS AMENDED BY ORDINANCES 79-15, 85-25, 85-43 AND 87-22; AMENDING SECTION 4 TO CHANGE THE NAME OF THE HEALTH DEPARTMENT TO THE PALM BEACH COUNTY PUBLIC HEALTH UNIT, TO PROVIDE FOR THE ISSUANCE OF WRITTEN APPROVALS BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT FOR WETLAND PROGRAMS, TO PROVIDE FOR ADDITIONAL WRITTEN APPROVALS, PERMITS, AND CERTIFICATES OF COMPLIANCE AND TO PROVIDE THAT PERMITS, LICENSES AND APPROVALS ARE NOT TRANSFERABLE UNLESS OTHERWISE SPECIFIED; AMENDING SECTION 7 TO PROVIDE FOR ADDITIONAL FEES AND TO MAKE ADJUSTMENTS AND INCREASES IN OTHER FEES; REPEALING CONFLICTING LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Palm Beach County Board of County Commissioners, acting as the Environmental Control Board, enacted Ordinance No. 78-5, as amended by Ordinances 79-15, 85-25, 85-43 and 87-22, which provides for the payment of fees to the Palm Beach County Health Department for services rendered by that Department; and

WHEREAS, the State of Florida Department of Health and Rehabilitative Services has changed the name of the local health departments to county public health units, and;

WHEREAS, it is necessary to provide for additional fees, to make adjustments in the existing fee schedule, and to change the name of the Palm Beach County Health Department to the Palm Beach County Public Health Unit; and

WHEREAS, it is necessary to provide for the payment of certain fees to the Department of Environmental Resources Management for those programs which have been transferred to that Department from the Public Health Unit.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACTING AS THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL BOARD, that:

Part I. Section 4 of Ordinance No. 87-22, entitled "Palm Beach County Health Department Permits, Licenses and Approvals," is amended as follows:

SECTION 4. PALM BEACH COUNTY PUBLIC HEALTH ~~DEPARTMENT~~ UNIT AND DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT PERMITS, LICENSES AND APPROVALS.

A. The following construction activities shall require written approval by the County Health Director or his authorized agent:

1. Community Water Treatment Plants

2. Community, Non-Community, Non-Transient Non-Community and Special Non-Community Wells

3. Sewage Treatment Plants with Capacity of 0.5 MGD* and Above

4. Industrial Wastewater Treatment Systems

5. Air Pollution Sources

6. Open Burning Sites

7. Solid and Hazardous Waste Facilities

~~8.--Construction-in-or-over-Surface-Waters~~

8. Asbestos Removal Notification

B. The following activities shall require Palm Beach County Public Health ~~Department~~ Unit permits:

1. On-site Sewage Disposal Systems

2. Non-Community, Non-Transient Non-Community and Special Non-Community ~~and-Semi-Public~~ Water Supply Systems

3. Water Distribution Systems

~~3.~~ 4. Semi-Public, Private and Non-Potable Wells

~~4.~~ 5. Sewage Collection Systems

~~5.~~ 6. Sewage Treatment Plants with Capacity of Under 0.5 MGD

~~6.--Mangrove-Alterations~~

C. The following operational activities shall require Palm Beach County Public Health ~~Department~~ Unit licenses or inspection fees:

1. Food Establishments not licensed by the Department of Business Regulation pursuant to Chapter 509, Florida Statutes.

2. Family Day Care Facilities

3. Child Care Facilities and Substantial Compliance Programs **

~~4.--Private-Schools~~

~~5.~~ 4. Air Pollution Sources

~~6.~~ 5. Water Treatment Plants

~~7.~~ 6. Sewage Treatment Plants

~~8.~~ 7. Industrial Wastewater Treatment Systems

~~9.~~ 8. Solid Waste Facilities, Sludge Disposal Sites, Septage Handling Facilities and Transfer Stations

~~10.~~ 9. Hazardous Waste Generators

~~11.~~ 10. Septic Tank Manufacturers

*Million Gallons Per Day

**Religiously affiliated child care programs may obtain an annual certificate of compliance in lieu of a license. Preschool age programs for 3 and 4 year old children in non-public schools may elect to be in substantial compliance in lieu of obtaining a license. An inspection fee shall be paid in the same amount as a license fee and on an annual basis.

D. The following wetland related activities shall require written approval by the Palm Beach County Department of Environmental Resources Management:

1. Construction in or over surface waters, pursuant to Chapter 403 and other delegated programs which may occur in the future.

2. Mangrove alterations.

~~D.~~ E. No permit, license or approval shall be issued until the County Health Director or the Director of the Department of Environmental Resources Management, as applicable, or his respective authorized agent, determines that:

1. the activity will not adversely affect human health and welfare, plant or animal life, and the reasonable enjoyment of life, property or the conduct of business; and

2. the activity complies with the requirements contained in the applicable statutes, special acts and rules adopted in Section 2 of ~~this~~ Ordinance No. 78-5, as amended by Ordinance No. 79-15. Compliance may be determined by the last recorded inspection.

~~E.~~ F. Unless otherwise provided by ordinance or rule or specified by the license, every license shall expire on December 31 of each year or on change of ownership and shall be renewable annually. Construction permits and written approvals shall be valid for the duration of the activity for which they are issued, unless otherwise specified by the permit or approval.

~~F.~~ G. No permit, license or written approval shall be issued until all fees have been paid.

~~G.~~ H. The fee for an annual license issued to a new activity after June of a particular year shall be pro-rated on a quarterly basis.

I. Unless otherwise provided by ordinance or rule or specified by the permit, license or approval, said permits, licenses and approvals are not transferable.

Part II. Section 7 entitled "Fee Schedule" of Ordinance 87-22 is hereby amended as follows:

SECTION 7. FEE SCHEDULE

The following schedule of fees is hereby adopted to supplement the costs of issuing permits, licenses and approvals; performing inspections; reviewing plans and sites; and performing other services in the administration of this Ordinance and the Environmental Control Act. These non-refundable fees shall be paid to the Palm Beach County Public Health ~~Department~~ Unit, or to the Palm Beach County Department of Environmental Resources Management, as applicable. Fees for plan review,

construction permits, site evaluation, appeals and local written approval shall be paid at the time of application. Fees for annual licenses shall be paid prior to the expiration of the existing license.

A. Annual License Fees (Palm Beach County Public Health Unit)

1. Food Establishments

a. Food Service		$135.00
~~(1) Take-Out-Only~~		~~$135.00~~
~~(2) 1---49-Seats~~		~~205.00~~
~~(3) 50---149-Seats~~		~~275.00~~
~~(4) 150-Seats-and-Over~~		~~340.00~~
~~(5) Food-Service-Located-in-Lodging-(DBR)~~		~~105.00~~
~~(6) Mobile-Food-Service-Vehicles-(each)~~		~~105.00~~
~~(7) Temporary-Food-Service~~		~~25.00~~
b. Food Processing Plants	135.00	~~315.00~~
c. Food Outlets		105.00
~~d. Limited-Food-Outlets.--These-are-outlets which-handle-prepackaged-food-only.~~		~~$50.00~~
~~e.~~ d. Abbattoirs		235.00
~~f.~~ e. Rendering Plants		420.00

2. Family Day Care/Child Care License

a. Family Day Care	1-5 Children	25.00
b. Child Care	6-25 Children	25.00
	26 Children and more	1.00 per child as indicated on license

~~3.--Private-Schools~~

~~a.--1-49-Children~~	~~105.00~~
~~b.--50-Children-and-more~~	~~210.00~~

~~4.~~ 3. Air Pollution Activities

a. Fuel Burning Equipment (Excluding Incinerators)	
(1) Less than 100 MBTU* / hour	100.00
(2) 100 MBTU / hour or greater	360.00
b. Incinerator Equipment	175.00
c. Asphaltic Concrete Batch Plants	260.00
d. Concrete Batch and Block Plants	150.00
e. Other Significant Sources	100.00

*Million British Thermal Units ~~Per-Hour~~

~~5.~~ 4. Water Supply Systems	
a. Up to and including 0.1 MGD*	$ 300.00
b. Over 0.1 MGD up to and including 0.3 MGD	950.00
c. Over 0.3 MGD up to and including 1.0 MGD	1,250.00
d. Over 1.0 MGD up to and including 5.0 MGD	1,750.00
e. Over 5.0 MGD	2,500.00
~~6.~~ 5. Sewage Treatment Facilities	
a. Up to and including 0.05 MGD	950.00
b. Over 0.05 MGD up to and including 0.3 MGD	1,200.00
c. Over 0.3 MGD up to and including 1.0 MGD	1,600.00
d. Over 1.0 MGD up to and including 3.0 MGD	1,800.00
e. Over 3.0 MGD	2,150.00
~~7.~~ 6. Industrial Wastewater Treatment Facilities	250.00
~~8.~~ 7. Solid Waste/Sludge/Septage Disposal	
a. Solid Waste Disposal Sites (Landfills)	
(1) Class I	2,300.00
(2) Class II	1,250.00
(3) Class III	575.00
b. Solid Waste Transfer Station	800.00
c. Sludge Disposal Sites	
(1) Less than 50 acres	3,750.00
(2) 50 acres or greater	3,750.00 plus 2.00 for each acre over 50 acres
(3) Compost Site	1,750.00
d. Septage Handling Facility	300.00
e. Septage Vehicle (per vehicle)	300.00
~~9.~~ 8. Hazardous Waste Generators	
a. ~~100~~ 25 kg**/month but less than 1000 kg/month	100.00
b. 1000 kg/month or greater	200.00
~~10.~~ 9. Septic Tank Manufacturers	55.00

B. Plan Review Fees. Fee applies to new or remodeled facilities.

(Palm Beach County Public Health Unit)

1. Food Service Establishments	$50.00

*Million Gallons Per Day
**Kilograms

~~a. 0-49 Seats~~	~~-$50.00~~
~~b. 50-Seats-and-more~~	~~100.00~~
2. Food Processing Plants	$100.00
3. Food Outlets	50.00
4. Child Care Facilities	50.00
5. Private Schools	50.00
6. Labor Camps	50.00
7. Mobile Home and Recreational Vehicle Parks	50.00
8. Hospital Food Service	100.00
9. Bottled Water Plants	50.00
10. Approval of Building Plans not Specified in B 1-9 Above	10.00
C. Permit Fees (Palm Beach County Public Health Unit)	
1. Permits for On-Site Sewage Disposal Systems	
a. Subdivision Application	
(1) 3 - 25 lots	200.00
(2) 26 - 50 lots	250.00
(3) More than 50 lots	300.00
b. Application for Individual Lot	
(1) Residential	
(a) Standard System	75.00
(b) Mound System	100.00
(c) Automatic Dosing System	150.00
(2) Commercial	
(a) Standard System	100.00
(b) Mound System	125.00
(c) Automatic Dosing System	250.00
(3) Repair Permit	50.00
2. Permits for Construction of Water Supply Systems	
a. Non-Community, Non-Transient Non-Community, and Special Non-Community Water Treatment Plant.	200.00
b. Semi-Public Well	100.00
c. Private Well	50.00
d. Non-Potable Well	40.00
e. ~~c.~~ Water Distribution Systems	
(1) Mains 6" or larger	$0.05/Linear ft.
(2) Mains less than 6"	0.03/Linear ft.
(3) Minimum Charge	50.00 ~~25.00~~

f. Permit Renewal $ 25.00

3. Sewerage

a. Sewage Collection/Transmission System

(1) Sewer Line (gravity and/or force main)

$0.05/Linear ft.

(2) Minimum Charge for sewer line 50.00

(3) ~~(2)~~ Pump Station~~/Force Main~~ 250.00

b. Sewage Treatment Plant Construction with capacity of under 0.5 MGD

(1) New 400.00

(2) Modifications 250.00

c. Permit Renewal 25.00

~~4.--Mangrove-Permit~~

~~a.--0.1-acre-or-less~~ ~~50.00~~

~~b.--Greater-than-0.1-acre~~ ~~100.00~~

D. Fees for Local Written Approval* (Palm Beach County Public Health Unit)

1. Community Water Treatment Plant Construction

a. New 500.00

b. Modification 350.00

2. Community, Non-Community, Non-Transient Non-Community, and Special Non-Community Well Site Evaluation 125.00, plus $25 for each additional well that is part of the same application

3. Approval of On-Site Sewage Disposal Systems

Previously in Use 30.00

4. Construction of Sewage Treatment Plant

0.5 MGD and above

a. New 500.00

b. Modification 400.00

~~*-The-fee-for-an-activity-in-this-category-which-is-also-permitted-by-the Florida-Department-of-Environmental-Regulation-(DER)-shall-be-reduced by-the-amount-charged-by-DER,-provided-that-the-service-performed-by the-Palm-Beach-County-Department-is-identical-to-that-performed-by-DER.~~

5. Construction of Industrial Wastewater Treatment Facility $200.00

6. Air Pollution Sources Construction

a. Potential Emissions of Any One Pollutant less than or equal to 100 tons per year 70.00

b. Potential Emissions of Any One Pollutant greater than 100 tons per year 110.00

7. Open Burning Site Evaluation (Land Clearing Only)

a. 2 acres or less 20.00

~~a.~~ b. Greater than 2 acres but less than 50 acres* ~~for each parcel cleared*~~ 60.00

~~b.~~ c. 50-100 acres* ~~for each parcel cleared*~~ 100.00

~~c.~~ d. Greater than 100 acres* ~~for each parcel cleared*~~ 150.00

8. Solid Waste Facility Construction

a. Resource Recovery Plant 250.00

b. Class I Landfill 150.00

c. Class II Landfill 150.00

d. Class III Landfill 100.00

e. Transfer Station 100.00

f. Modification of Permit 100.00

g. Closure Approval for Landfills 100.00

9. Hazardous Waste Facility Construction 150.00

10. Asbestos Removal Notification 100.00

E. Fees For Local Written Approval (Department of Environmental Resources Management) **

~~10.~~ 1. Construction in or over Surface Water

a. Dockage

(1) 500 sq. ft. or less 100.00

(2) 501 sq. ft. to 1,000 sq. ft. 150.00

(3) 1001 sq. ft. to 10,000 sq. ft. $300.00

(4) 10,001 sq. ft. and larger 500.00

*Open burning activities that are conducted off-site shall be assessed for each parcel of land that is cleared.

**Fees for an activity which may involve dockage, dredge and fill, bulkheads and revetments, and/or mangrove alteration shall be assessed cumulatively with an application fee not to exceed $5,000.00.

b. Dredge and Fill

(1) 100 cubic yards or less $ 100.00

(2) 101 cubic yards to 10,000 cubic yards 200.00
plus $0.03 for each cubic yard

(3) over 10,000 cubic yards 500.00
plus $0.03 for each cubic yard

c. Bulkheads and revetments

(1) 30 lineal feet or less 85.00

(2) 31 to 500 lineal feet 200.00

(3) 501 lineal feet or more 575.00

2. Mangrove Alteration

a. 0.1 acre or less 50.00

b. Greater than 0.1 acre 100.00

~~E.~~ F. Fees for Miscellaneous Services

~~1. Alcoholic Beverage Certification 25.00~~

~~2. Reinspection of Food Establishment 35.00~~

~~3.~~ 1. Food Establishment Training Course 10.00

~~4.~~ 2. Approval of Temporary Events, i.e. Carnivals, Circus Festival Cook-outs, Revivals, etc. 25.00

~~5.~~ 3. Water Sample for Bacteriological Analysis 25.00

~~6.~~ 4. Microwave Oven Test 25.00

~~7.~~ 5. Appeals from Environmental Control Rule I

(a) Single Family Residence 100.00

(b) All others, including, but not limited to, multiple family, commercial, or subdivisions. 125.00

~~8.~~ 6. Appeals from Environmental Control Rule II 100.00

~~9.~~ 7. Appeals from Ordinance No. 81-18 50.00

~~10.~~ 8. Reinspection of Construction Which Fails to Comply with Initial Inspection:

(a) Septic Tank System 35.00

(b) Non-Community System 45.00

(c) Other Regulated Facilities 55.00

~~11.~~ 9. Reissuance of License Pursuant to Change of Ownership 25.00

~~12.~~ 10. Duplicate License 2.00

~~13.~~ 11. Copies of Reports or Other Information from Files (per page) .25

~~14.~~ 12. Copies of Laws and Regulations 3.00

13. File Search 25.00

~~15.~~ 14. Certification of Septic Tank/or Private Well for Lending Institutions $ 10.00

15. Inspection of Private Schools

a. 1-49 Children 105.00

b. 50 Children and more 210.00

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon receipt of acknowledgment by the Secretary of State, but shall in no case become effective until twenty (20) days after the filing of this Ordinance with the Clerk of the Board of County Commissioners.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, acting as the Palm Beach County Environmental Control Board, on the 18th day of July, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By Carol Ouzounian
Chair

STATE OF FLORIDA COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, Ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on 7/18/89
DATED at West Palm Beach, FL on 8/3/89
JOHN B. DUNKLE, Clerk

Acknowledgment by the Department of State of the State of Florida this, the 27th day of July, 1989.

Acknowledgment from the Department of State received on the 31st day of July, 1989 at 2:20 .M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By Drilla Oswalt
DEPUTY CLERK

EFFECTIVE DATE: August 7, 1989

(bd:D00062)